

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT A. ROSENER, BARBARA L.)
ROSENER, ELIZABETH LOOSER,)
DONALD R. MEYER, THOMAS)
BRAWLEY, DEBORAH HARRELL,)

Plaintiffs,)

v.)

No. 4:05-CV-1419 CAS

DAN BULLOCK, Sheriff of St. Francois)
County, Missouri, SEAN T. BAKER,)
ROGER BARTON, JASON D. JONES,)
A. CRAWFORD, R. TRAUTWEIN,)
R. MOAK, WENDY WEXLER HORN,)
Prosecuting Attorney for St. Francois County,)
NANCY DOLLAR, GERALD DUERINGER,)
BETTY NAUSLEY, JOSEPH NAUSLEY,)
TOM PROBST, RON THURMAN,)
JANICE MILLER, GEORGE HAUGHEY,)
ROBERT NELSON, GREGORY ROTH,)
RICHARD NICKOLAUS, WAUNEITA)
KELLER, G.W. POOLE, ZENO DOUGLAS,)
RUTH ANN HALL, RICHARD STEVSON,)
MARY PRATER, TRACY GOEDE,)
JOHN DOE NO. 1, LAKE TIMBERLINE)
BOARD OF TRUSTEE, INC., a Missouri)
corporation, MISSOURI STATE HIGHWAY)
PATROL, an agency of the State of Missouri,)
and MISSOURI DEPARTMENT OF)
REVENUE, an agency of the State of)
Missouri,)


Defendants.)

ORDER OF PARTIAL DISMISSAL

In accordance with the memorandum and order of this date and incorporated herein,

IT IS HEREBY ORDERED that plaintiffs' claims against defendant Missouri State Highway Patrol in Counts X and XXII are **DISMISSED** for lack of subject matter jurisdiction, based on Eleventh Amendment immunity.

IT IS FURTHER ORDERED that plaintiffs' claims against defendants R. Trautwein, R. Moak and the Missouri Department of Revenue are **DISMISSED without prejudice** for failure to comply with Rule 4(m), Federal Rules of Civil Procedure and the orders of this Court. See Rule 41(b), Fed. R. Civ. P.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 6th day of April, 2006.